

REMARKS

Upon entry of the above amendment, claims 1, 2, 4-7, and 19-31 will have been amended for consideration by the Examiner.

In view of the above, Applicants respectfully request reconsideration of the outstanding Restriction Requirement. Such action is respectfully requested and is now believed to be appropriate and proper.

In the Restriction Requirement, the claims were restricted to the two inventions defined as follows.

I Claims 1-18, drawn to an intermediate printing plate product, classified in class 101, subclass 453; and

II Claims 19-31, drawn to a method of making a printing plate using the intermediate printing plate product to make a final product, classified in class 101 subclass 463.1.

As noted above, Applicants have amended the original claims 1, 2, 4-7, and 19-31. The amended claims merely clarify the subject matter recited in the original claims, but do not narrow the scope of the claims.

Applicants respectfully traverse the above Restriction Requirement and submits that it is inappropriate with respect with the pending claims in the present application, as set forth hereinbelow.

The Examiner asserted that inventions I and II are related as product and process of use and that the product as claimed can be used in a materially different process, such as a plate-making process that includes depositing a

photosensitive resin layer over the plate, curing selected image portions, and removing the portions which were not cured to create a printing plate.

However, Applicants submit that when the imaging resin is deposited (all) over the plate and selected image portions are cured, some portions around the selected image portions will also be cured. In other words, it is hard to cure only the selected image portions when the imaging resin is deposited (all) over the plate. Further, when the imaging resin is deposited over the plate, the imaging resin soaks into the plate, since the claimed plate has a plurality of small pits on its surface, as recited in amended claim 1. Thus, when the imaging resin is deposited over the plate, the imaging resin is bonded with the surface of the plate. Therefore, it is hard to remove the imaging resin from the portions which were not cured to create a printing plate, after the selected image portions are cured.

Therefore, Applicants submit that alternative use suggested by the Examiner cannot be easily accomplished and thus would not be attempted.

Moreover, as now amended, the claims of Group I are clearly and properly not restrictable from the claims of Group II, as the selective deposit of imaging resin is recited in both claims 1 and 19.

Further, as set forth in M.P.E. P. § 803, the Examiner must, inter alia, set forth the existence of a "serious burden" if the restriction requirement were not required. However, the Examiner has not even addressed the required issue of "serious burden."

Moreover, no serious burden exists in examining at least the claims of Inventions I and II for at least the reason that the search for the inventions of these groups would be coextensive, or at least have significant overlap. For example, both inventions I and II relate to a printing plate having the related features. Thus, for at least this reason, the search for the Inventions I and II would appear to be coextensive.

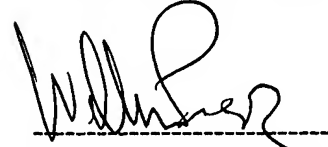
Further, Applicants submit that Applicants are allowed, even encouraged, by the U.S. Patent and Trademark Office to draft claims of varying scope. Thus, it is submitted that the Examiner's requirement is improper and should be vacated.

Because the search of each of the inventions would be co-extensive, there would be no serious burden on the Examiner to examine all of the claims in this application. For this reason, consistent with office policy as set forth in M.P.E.P. § 803, Applicants respectfully request that the Examiner reconsider and withdraw the election requirement. For the foregoing reasons, the restriction requirement in this application is believed improper and it is respectfully submitted that it be reconsidered and withdrawn.

Nevertheless, in order to be fully responsive, Applicants have elected with traverse the invention disclosed in Group II comprising claims 19-31, in the event that the Examiner chooses not to reconsider and withdraw the Restriction Requirement.

Should the Examiner have any questions or comments regarding the present paper or this application, the Examiner is respectfully invited to contact the undersigned at the below-listed number.

Respectfully submitted,
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